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**BEFORE THE
RESPIRATORY CARE BOARD
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. R-2117

KHRISTEN M. SANTOS, R.C.P.
537 Glove Avenue, #2
Chula Vista, CA 91910

A C C U S A T I O N

Respiratory Care Practitioner License No. 25858

Respondent.

Complainant alleges:

PARTIES

1. Stephanie Nunez (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Respiratory Care Board of California, Department of Consumer Affairs.

2. On or about December 11, 2006, the Respiratory Care Board issued Respiratory Care Practitioner License No. 25858 to KHRISTEN M. SANTOS, R.C.P. (Respondent). The Respiratory Care Practitioner License was in full force and effect at all times relevant to the charges brought herein and will expire on January 31, 2008, unless renewed.

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4. Section 3710 of the Code states: “The Respiratory Care Board of California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter 8.3, the Respiratory Care Practice Act].”

6. Section 3750 of the Code states:

“ ”
....

“ ”
....

“For the purposes of denial, suspension, or revocation of a license, a crime or act shall be considered to be substantially related to the qualifications, functions or duties of a respiratory care practitioner, if it evidences present or potential unfitness of a licensee to perform the functions authorized by his or her license or in a manner inconsistent with the public health, safety, or welfare. Such crimes or acts shall include but not be limited to those involving the following:

2

“(a) Violating or attempting to violate, directly or indirectly, or assisting or abetting the violation of or conspiring to violate any provision or term of the Act.

“ ”
...

COST RECOVERY

8. Section 3753.5, subdivision (a) of the Code states:

"In any order issued in resolution of a disciplinary proceeding before the board, the board or the administrative law judge may direct any practitioner or applicant found to have committed a violation or violations of law to pay to the board a sum not to exceed the costs of the investigation and prosecution of the case."

9. Section 3753.7 of the Code states:

"For purposes of the Respiratory Care Practice Act, costs of prosecution shall include attorney general or other prosecuting attorney fees, expert witness fees, and other administrative, filing, and service fees."

10. Section 3753.1 of the Code states:

"(a) An administrative disciplinary decision imposing terms of probation may include, among other things, a requirement that the licensee-probationer pay the monetary costs associated with monitoring the probation. "

FIRST CAUSE FOR DISCIPLINE

(Dishonesty)

11. Respondent is subject to disciplinary action under section 3750, as defined by section 3750, subdivision (j), in that she committed fraudulent, dishonesty, and/or corrupt acts substantially related to the qualifications, functions, or duties of a respiratory care practitioner. The circumstances are as follows:

(a) On or about May 16, 2007, respondent was employed at El Dorado Care Center in El Cajon, California.

(b) Respondent was assigned to work a shift beginning at 7:00 p.m., and ending at 7:00 a.m.

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1 (c) Respondent's duties included providing nebulizer treatments to
2 approximately 14 residents.

3 (d) Respondent's duties also included providing medications to the residents.

4 (e) Respondent did not provide the prescribed breathing treatments to the
5 approximately 14 residents she was assigned.

6 (f) Respondent filled out patient charts for the 14 residents indicating she had
7 provided the prescribed breathing treatments to those patients.

8 SECOND CAUSE FOR DISCIPLINE

9 (Creating False Medical Records)

10 12. Respondent is further subject to disciplinary action under Code section
11 3750, as defined by section 3750, subdivision (k), in that she falsified, or made grossly incorrect,
12 grossly inconsistent, or unintelligible entries to patient, hospital and/or other records, as more
13 particularly described in paragraph 11, above, which is hereby incorporated by reference as if
14 fully set forth herein.

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein
17 alleged, and that following the hearing, the Respiratory Care Board issue a decision:

18 1. Revoking or suspending Respiratory Care Practitioner License No. 25858,
19 issued to KHRISTEN M. SANTOS, R.C.P.;

20 2. Ordering Khristen M. Santos, R.C.P. to pay the Respiratory Care Board
21 the costs of the investigation and enforcement of this case, and if placed on probation, the costs
22 of probation monitoring;

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: December 19, 2007

25 Original signed by Liane Zimmerman for:
26 STEPHANIE NUNEZ
27 Executive Officer
28 Respiratory Care Board of California
Department of Consumer Affairs
State of California
Complainant